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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,002	01/23/2004	Randall C. Adams	auctiondrop-1	8943
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DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248				
			EXAMINER FISCHEITTI, JOSEPH A	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,002

Applicant(s)

ADAMS ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-18,20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,176 to Woolston in view of the article “eBay teams with Mail Boxes Etc. and iShip.com to Provide Person-to-Person e-commerce shipping solutions” (eBay) or Electric Agricultural Auctions in the UK (EAAUK).

Regarding claims 5-8, 10, 15-18, 20-21, and 24, Woolston discloses a system and method for facilitate the sale of an item, comprising: a computer-base hub (consignment node) wherein the hub manages the sale of the plurality of items (consignment node/posting terminals are disclose as being operated by a shop keeper or franchisers which means that seller involvement stops at the drop off at the node); the hub having one or more processing stations (posting terminals 700) that generate data about each item wherein the data includes evaluation about the item see fig. 13 item 956) and a photograph (fig. 13 item 920), a listing station (read as the node data base display shown at Fig. 13 which generates a listing for each item based on the evaluation data ((56) and photograph (920) wherein the listings includes sales criteria (reserve price) vs. (price) and is capable of each item being listed using the listing in an existing marketplace for the sales of the item, and a marketplace interface that

coordinates the sale of the item at the existing marketplace including receiving an identity of a buyer, receiving a payment, and shipping the sold item to the buyer and sending a portion of the payment from the buyer to the seller (the portion of the consignment node as described in col. 3, lines 9-15; col. 10, lines 9-42). Woolston discloses an apparatus for creating a computerized market for used and collectible goods (abstract). Woolston discloses a network which provides a trusted means for consignment node users, such as shopkeepers, to establish markets for collectible items, establish electronic auctions, and a means to present goods (col. 2, lines 38-44). Official notice is also taken of the notoriously well known practice of shipping a good sold at a distance.

However, Woolston does not explicitly disclose one or more inlets that receive a plurality of items; inlet ships; the inlet are geographically dispersed from each other; the hub is geographically dispersed from at least one inlet; storage area; a computer system to generate data about the item received at the inlet station wherein the generated data is communicated to the hub; a registration station at which an item is one of accepted and rejected for sale; and acceptance module.

The article "eBay", or EAAUK on the other hand, teach one or more inlets, EAAUK teaches inlets defined by franchise partners that receive a plurality of items/agricultural goods on consignment; inlet ships; the inlet are geographically dispersed from each other; the hub is geographically dispersed from at least one inlet; storage area; a computer system to generate data about the item received at the inlet station wherein the generated data is communicated to the hub; a registration station at

which an item is one of accepted and rejected for sale; and acceptance module (whole article). The eBay article teaches a program for which franchisees will provide a place for delivery and inspection of goods and providing convenient drop-off locations for e-commerce shipments (paragraphs 5, 7, and 9). The article further teaches the development of co-branding shipping interface integrated into an auction site (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Woolston, to include the inlets, as taught by the article "eBay" or by EAAUK, in order to provide convenient drop-offs for e-commerce shipment ("eBay", paragraph 2), the motivation being to give buyers and merchants (seller) convenience and efficiency (paragraph 12) and hence enhance the market share of the franchisor.


Regarding claims 9, 11-14, and 22-23, Woolston discloses a photography station and a testing station for generating evaluation data for the item; wherein the hub further comprises a database and wherein each processing station stores the evaluation data and photograph for each item in the database; an information transport layer that connects the hub to the existing marketplace wherein the listing is communications over the communications network; computer network; listing software module; and a sales software module (col. 2, lines 13-15; col. 3, lines 9-32; col. 10, lines 9-42; col. 5, lines 16-23).

Regarding claim 19, Woolston the coordination the consignment sale comprises receiving an identify of a buyer, receiving a payment from the buyer of a sold

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item, shipping the sold item and sending a portion of the payment from the buyer to the seller (Figure 7; col. 12, lines 30-67).

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.


Joseph A. Fischetti
Primary Examiner
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